

REMARKS:

At the time of the Office Action, claims 1-17 were pending. Claims 5-8 and 12-16 stand rejected, but have been found to contain allowable subject matter. Claims 1-4, 9, 11 and 17 stand rejected. Pursuant to this Amendment, claims 1, 5-7, 12 and 17 have been amended; and new claims 18-20 have been added. Claims 1-20 remain pending.

Claim 5, and claims 6 and 7 which depend therefrom, have been amended to attend to the Examiner's objection by replacing "relief" with "relief area". Removal of the objection is respectfully requested.

Claim 17 stands rejected under 35 U.S.C. 112, first paragraph. Although the cut-out portion where the flexible arm is located is clearly shown in FIGS. 3 and 7 of the present application, claim 17 has been amended to remove the "cut-out" limitation. FIGS. 3 and 7 further clearly illustrate the open areas or slots found on each side of the flexible arm. Thus, it is respectfully argued that the enablement requirement has been met and it is respectfully requested that the rejection be withdrawn.

Claims 1-16 stand rejected under 35 U.S.C. 112, second paragraph. It appears the Examiner is not sure about the intended scope of independent claims 1 and 12. The clip device is the only positively recited structure in the claims. However, the structure of the clip is further defined in relation to how it cooperates with an associated tube and bracket. The claims are specifically constructed in this manner so as to capture would be infringers of the clip device itself. It is believed that the format of the claim falls within appropriate patent office guidelines and, since the scope of the claims is clearly and distinctly set forth, it is respectfully argued that the rejection is improper, and, therefore, the rejection should be removed.

Claims 1-4, 9 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Anscher (U.S. Pat. No. 4,447,934). Claim 11 stands rejected under 35 U.S.C. 103 as being unpatentable over Anscher. These rejections are traversed for at least the following reasons.

Without agreeing with the Examiner as to what is or is not taught by the art of record, claim 1 has been amended to more clearly set forth what it is the applicants regard as their invention. More specifically, claim 1 has been amended to better set forth that

the clip device is a non-adjustable device (by reciting that the external surface has a generally constant diameter) as clearly is the case with the device of Anscher. Moreover, claim 1 has been further amended to recite that the flexible arm is located between the first and second outer edges of the clip itself. With reference to the FIGS. of Anscher and the FIGS. of the present application, it can be easily observed that the device of Anscher is quite different than the claimed device of the present invention. Thus, claim 1 is allowable over Anscher.

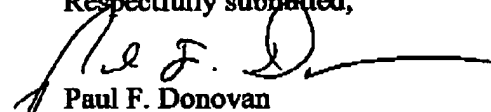
Claims 2-4 and 9-11 depend from claim 1, and, therefore, are allowable for the same reasons applied thereto as well as for the additional subject matter recited in each.

New claim 18 includes the limitations of original claim 1 and claim 5, with "relief" now being "relief area". Since claim 5 was found to contain allowable subject matter, claim 18 is allowable. Claims 19 and 20 depend from claim 18, and, therefore, are also allowable for the same reasons applied thereto as well as for the additional subject matter recited in each.

No new matter has been added by way of the amendments and remarks made herein.

Reconsideration of the rejected claims and allowance of all the pending claims is respectfully requested. In the event that there are any remaining issues that can be addressed and expedited by telephone conference, the Examiner is invited to telephone the undersigned at the number indicated below.

Respectfully submitted,



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